

**TOWNSHIP OF MACOMB
MACOMB COUNTY, MICHIGAN
ORDINANCE REPEALING AND REPLACING
CHAPTER VI, ARTICLE I OF THE
TOWNSHIP CODE OF ORDINANCES
PERTAINING TO OPEN BURNING
Amendment # 237**

Title. An ordinance to secure the public health, safety and welfare of persons and property within the Township through the regulation and control of the location, days and hours allowed for open burning within the Township as well as the permitted materials to be burned.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN, ORDAINS:

ARTICLE 1, SECTION 6.1 OPEN BURNING

ARTICLE I. IN GENERAL

Sec. 6-1. Open Burning.

- (a) *Purpose.* The purpose of this section is to protect the public health, safety and welfare of persons and property within the township through the regulation and control of the location, days and hours allowed for open burning within the township as well as the materials permitted to be burned.
- (b) *Applicable Areas.* There shall be no open burning permitted in: platted subdivisions; site condominiums; attached condominiums; apartments; and mobile home parks; except as provided in subparagraph (m).
- (c) *Permits Required.* No person shall, within the limits of the township, engage in open burning unless such person has first obtained a permit for such burning. Permits are not required to burn in enclosed devices nor for charcoal and gas barbeques for food preparation as set forth in Section (m) herein.
- (d) *Permit Issuer.* Any person deciding to engage in open burning must obtain a permit from the fire chief or a duly authorized representative. The permit must state the name and address of the applicant, the location of the land and premises where such fire is to be set, the area on the property where open burning will occur, and the time and date contemplated for open burning, and items to be burned. The permit is to be in accordance with Act No. 329 of the Public Acts of Michigan of 1969 (MCL 320.24, MSA 13. 267(4)), as amended. Permits shall be obtained during business hours of the township fire station (Monday through Friday).

(e) *Permit Fees.* Fees for burning permits shall be established by the township board by resolution, which fees are subject to change by subsequent resolution. The schedule of fees shall be posted at the township fire station.

(f) *Permitted Times.* Open burning shall be allowed throughout the year during daylight hours.

(g) *Approved Materials.* Materials approved for burning are as follows: logs, brush, tree stumps, and branches.

(h) *Prohibited Materials.* No person shall burn: construction and demolition waste, garbage, animal carcasses, refuse, trash, tires, rubbish, hedge clippings, leaves, grass or any like material giving off foul odors of any kind.

(i) *Distance from Structures.* No open burning shall be allowed closer than one hundred (100) feet from a structure.

(j) *Size of Area for Open Burning.* The size of the area for open burning shall be limited to five (5) by five (5) feet unless otherwise approved in the open burning permit.

(k) *Violators Liable for Costs.* Any person, who sets an open fire which necessitates calling the township fire department, or any other fire department, shall pay the township all costs and charges incurred by the township by reason of calling the township fire department, or any other fire department. The township may sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by it from any person who sets such an open fire.

(l) *Enforcement.* This section shall be enforced by ordinance enforcement officers of the township designated by resolution of the township board consistent with the provisions of section 2-36 or by any police officer or sheriff's deputy, or the fire chief and/or his designee.

(m) *Enclosed Devices.* Enclosed devices (metal-with grating or ceramic) where fire is fueled by charcoal or seasoned dry wood are permitted in all sections of the township notwithstanding subsection (b) with the following conditions:

(1) The approved container must be a minimum of fifteen (15) feet from any structure, including a deck, garage or storage building.

(2) The fire must be attended by an adult until it is completely extinguished.

(3) The approved container must rest on an impervious, nonflammable

base.

(4) The use of dug-out or below grade fire pits are prohibited.

Section 2. **SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is for any reason held invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section 3. **PUBLICATION**

A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb within fifteen (15) days after its adoption.

Section 4. **EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after publication.

Section 5. **CERTIFICATION**

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan at a meeting held on the 25th day of April, 2007, by the following vote of the members thereof.

AYES: BUCCI, DUNN KRZEMINSKI, NEVERS, MALBURG, KOEHS, BRENNAN

NAYS: NONE

ABSENT: NONE